



CITY OF MORGAN HILL

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

CITY COUNCIL AGENDA

REGULAR MEETING

WEDNESDAY, SEPTEMBER 2, 1998

Morgan Hill Civic Center
Council Chambers
17555 Peak Avenue
Morgan Hill, California 95037

Mayor
Mayor Pro Tempore
Council Member
Council Member
Council Member

Dennis Kennedy
Cynthia J. Cook
Hedy L. Chang
J. Robert Foster
Bev E. Freeman

5:30 P.M

OPPORTUNITY FOR PUBLIC COMMENT

CLOSED SESSION:

PUBLIC EMPLOYMENT

Legal Authority:	Government Code Section 54957
Title of Position:	City Attorney
City Consultant:	Norman Roberts

CLOSED SESSION ANNOUNCEMENT:

7:00 P.M.

CALL TO ORDER

(Mayor Kennedy)

ROLL CALL ATTENDANCE

(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk Torrez)

SILENT INVOCATION

PUBLIC SERVICE ANNOUNCEMENT

Eric Hilding

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Daughters of the American Revolution
Constitution Week

INTRODUCTIONS

William Newkirk
Business Assistance & Housing Analyst

CITY COUNCIL REPORT

Council Member Freeman

CITY MANAGER'S REPORT

CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT

PUBLIC COMMENTS

Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.

CONSENT CALENDAR:

The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

1. **JULY FINANCE AND INVESTMENT REPORT**
Recommended Action: Accept and file report.
2. **AGREEMENT FOR INTERIM CONTRACT PLANNING ASSISTANCE**
Recommended ACTION:- 1) Authorize City Manager to execute agreement, 2) Appropriate \$22,000 from the Community Development Fund fund balance to Account #206-5120-42231 (Planning Contract Services), and 3) Transfer \$23,000 from Account #206-5120-41100 (Planning Salaries) to Account #206-5120-42231 (Planning Contract Services).
3. **AMENDMENT TO MEASURE P IMPLEMENTATION POLICIES FOR CUSTOM LOT DEVELOPMENT**
Recommended Action: Motion to establish a policy for custom lot development as outlined in the attached policy document.
4. **REJECT BIDS FOR CONSTRUCTION OF MORGAN HILL PARKS, ADA - PHASE I AND PHASE II PROJECTS**
Recommended Action: Reject all bids received July 22, 1998 for the construction of Morgan Hill Parks, ADA -- Phase I and Phase II Projects and authorize staff to rebid the two projects as a single project.

5. **AWARD OF CONTRACT FOR THE CONSTRUCTION OF MONTEREY/WRIGHT WATER MAIN REPLACEMENT PROJECT**
Recommended Action: Award contract to Fermin Construction Co. for the construction of Monterey/Wright Water Main Replacement Project in the amount of \$154,888.
6. **FINAL MAP ACCEPTANCE FOR ST. JAMES PLACE, PHASES 2 AND 3 (TRACT 9102)**
Recommended Action: 1) Approve the final map, and 2) Authorize the recordation of the map following recordation of the Development Improvement Agreement.
7. **FINAL MAP ACCEPTANCE FOR HERITAGE GREEN PHASE II (TRACT 9068)**
Recommended Action: 1) Approve the final map and improvement plans, 2) Authorize the City Manager to sign the Subdivision Improvement Agreement on behalf of the City and 3) Authorize the recordation of the map and the Subdivision Improvement Agreement following recordation of the Development Improvement Agreement.
8. **PURCHASE OF PROPERTY FOR BUTTERFIELD EXTENSION FROM DUNNE TO SAN PEDRO**
Recommended Action: Approve the attached purchase agreement.
9. **APPROVAL OF SPECIAL MEETING MINUTES OF JULY 22, 1998**
10. **APPROVAL OF SPECIAL MEETING MINUTES OF JULY 29, 1998**
11. **APPROVAL OF REGULAR MEETING MINUTES OF AUGUST 5, 1998**

LEGALLY NOTICED PUBLIC HEARINGS:

12. **URBAN SERVICE AREA APPLICATIONS: USA 98-01: WEST MIDDLE-ROCHA**
Recommended Action: Request staff presentation.
The Mayor will open the Public Hearing.
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.
Council discussion.
Action - Motion to Adopt Resolution recommending LAFCO consideration.
13. **TRANSFER OF DEVELOPMENT CREDIT APPLICATION TDC-98-01: LLAGAS-MALECH**
Recommended Action: Request staff presentation.
The Mayor will open the Public Hearing.
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.
Council discussion.
Action - Motion to Adopt Resolution approving transfer request
14. **REPROGRAM \$225,283 IN CDBG FUNDS FROM THE DESIGN AND ENGINEERING OF A SENIOR CENTER TO THE ADA PARKS IMPROVEMENT PROJECT**
Recommended Action: Request staff presentation.
The Mayor will open the Public Hearing.
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.
Council discussion.
Action - Motion to Approve the reprogramming of \$30,338 in FY98-99 CDBG funds for the design and engineering of a senior center to the City of Morgan Hill's project entitled ADA Parks Improvement, and
Action - Motion to Approve the reallocation of \$194,945 from the CDBG fund balance for the design and engineering of a senior center to the City of Morgan Hill's project entitled ADA Parks Improvement, and
Action - Motion to Adopt Resolution.
15. **APPLICATION ZA 98-11: DUNNE/CONDIT CITY OF MORGAN HILL**
Recommended Action: Request staff presentation.
The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.
Council discussion.

Action- Motion to waive the reading in full of the ordinance;
Motion to introduce ordinance by title only.

OTHER BUSINESS:

16. **RESOLUTION REGARDING ACTIONS OF COUNCIL MEMBER FREEMAN**
Recommended Action: 1) Allow Council Member Freeman to speak on this matter, 2) Take public comment on this matter, and 3) Adopt a Resolution regarding Council Member Freeman.
17. **SITE REVIEW APPLICATION SR 97-31: CONDIT-MANRAO**
Recommended Action: Review and give comments, concerns and direction to applicant and staff.
18. **RECOMMENDATION FOR RENOVATION OF THE COMMUNITY PARK BALL FIELDS FROM THE PARKS AND RECREATION COMMISSION**
Recommended Action: Accept the Parks and Recreation Commission recommendation to proceed with rehabilitation of the existing two ballfields and authorize staff to re-bid the project.

ROLL CALL VOTE: The Roll Call Vote, Agenda Item #19 may be acted upon with one motion, a second and the roll call vote. The titles having previously been read, no second reading is required. (Government Code Section 36934)
Action -- Adopt Ordinance by roll call vote.

19. **SECOND READING AND ADOPTION OF ORDINANCE NOS. 1408, NEW SERIES AND 1409 NEW SERIES ORDINANCE NO. 1408 N.S.** -- An ordinance of the City Council of the City of Morgan Hill approving Zoning Amendment, ZA-98-08: East Dunne-DiConza, amending the zoning of approximately 2.20 acres from R-1 (7,000) to R-1 (7,000)/RPD to include the adoption of a precise development plan. (APN 728-11-024), and
- ORDINANCE NO. 1409 N.S.** -- An ordinance of the City Council of the City of Morgan Hill approving Development Agreement Application DA-98-08: East Dunne-DiConza for application MP-98-06: Heatherwood-Villanova/DiConza. (APN 728-11-024).

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

This is an opportunity for members of the City Council to request items for future agendas.
Note: in accordance with government code section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT TO: Special Redevelopment Agency Meeting (See separate agenda)

FUTURE COUNCIL AGENDA ITEMS:

Sign Code Enforcement Report
City Council Goals Report
Award Contract for Street Repairs
Revised Shopping Card Ordinance
Personnel Commission Interviews
Mobilehome Rent Commission Interviews
Conflict of Interest Code Changes
Approval of Law Enforcement Block Grant Spending Plan

OPEN PUBLIC COMMENT PERIOD (3 MINUTES)

Following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

SPEAKER CARDS

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disabilities Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Torrez, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #12 through #15 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.